

## **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 5, 2008 has been entered.

2. Claims 11- 17, 29, 30, 32, 33, 35, 36, 38, 39, 41, 42, 44, 45, 47, 48, 50, 51, 53, 54, 66, 67 and 70 – 81 are pending in this Office Action.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 11- 17, 29, 30, 32, 33, 35, 36, 38, 39, 41, 42, 44, 45, 47, 48, 50, 51, 53, 54, 66, 67 and 70 – 81 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 70 - 81 are rejected under 35 U.S.C. 101 because:

Claims 70 - 72 are directed to a method for managing information. These claims are directed to a non-statutory process. This method is not tied to a statutory class such as a particular apparatus or transformed underlying subject matter such as article or

material to a different state or thing; this method is not a patent eligible process under 35 USC § 101 and therefore non-statutory (MPEP 2106.01 [R-5] (I)).

Regarding claims 73 - 81, they depend from claims 70 - 72 respectively, recites computing steps, merely descriptive and lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC § 101 and therefore non-statutory.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 11 – 17, 29, 30, 32, 33, 35, 36, 44, 45, 5, 51, 53, 54, 66, 67, and 70 - 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Appl. No. GB 2348309 issued to Kaoru Uchida (hereinafter “Uchida”) in view of USPN 6,144,757 issued to Shinichi Fukuzumi et al (hereinafter “Fukuzumi”) and further in view of NPL: Biometrics, Is it a Viable Proposition for Identity Authentication and Access Control? By Hyun-Jung Kim (hereinafter “Kim”).

Regarding claims 11 and 17, Uchida teaches a communication system for distinguishing a user, said system comprising:

a storing means for storing a plurality of kinds of reference living body information (see page 20, lines 13 – 17; Uchida discloses “fingerprint” as “living body”);

Uchida does not explicitly collation and a collating means as claimed.

Fukuzumi discloses a reading means for reading a plurality of kinds of collating living body information of the user (column 9, lines 29 – 32: “bioelectric signal identification section” is interprets “unit 12” as “reading means”; and “output” is interpreted as “read”); and

collating means for collating the collation living body information with the stored corresponding reference living body information (column 6, lines 6 – 8);

Further, Kim discloses a sending means for sending the authentication end signal to a mating party (see page 208, column 2, paragraph 3: “*The Identix Fingerprint ... image of the fingerprint includes a sending means*”);

wherein a password for re-write of the reference living body information is sent as data to the mating party/manager after the authentication end signal is sent to a mating party (see page 206, column 1, paragraphs 1 – 2: “*The second method concerns ....verification of something known, such as password, PIN number*”), and

wherein a re-write approval signal having information representing approval of re-write of the reference living body information is transmitted from the mating party when the password is authenticated as correct on the mating party (see page 208, column 2, paragraph 3: “*To identify, the user enters the secret PIN number and places a finger on the glass plate. . . . fingerprint image of template*”), and

wherein the reference living body information is written after the user receives the re-write approval signal from the mating party (see page 209, paragraph 2: “*the user enters an identification code, . . . . under the assumption that the original template is produced in less than perfect conditions*”)

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because Fukuzumi’s teaching of “collation” would have allowed Uchida’s system to provide an organism identification method that can securely identify whether or not a fingerprint image input object relates to a living body.

Further, the teaching of Kim would have allowed Uchida and Fukuzumi’s system to update/re-write biometric information in a case where the original biometrics is entered in less than perfect condition as suggested by Kim on page 209.

Regarding claim 12, Uchida, Fukuzumi and Kim disclose the claimed subject matter as discussed in claim 11.

Uchida teaches a wherein the reference living body information comprises n reference living body information (see page 20, lines 13 – 17), and the sending means sends the authentication end signal to a mating party to the mating party when all of collation results prove coincident (see page 32, lines 13 - 16).

Further Fukuzumi discloses the collation living body information of the user comprises n collation living body information of the user (column 6, lines 29 – 32), the collating means collates the n collation living body information with the n reference living body information (page 8, lines 15 – 24).

Regarding claim 13, Uchida, Fukuzumi and Kim disclose the claimed subject matter as discussed in claim 11.

Uchida teaches wherein the reference living body information comprises n reference living body information and the sending means sends the authentication end signal to a mating party (see page 32, lines 13 – 16) when at least one of the n reference living body information coincides with at least one of the m collation living body information (see page 21, lines 22 – 27);

Further Fukuzumi discloses the collation living body information of the user (column 6, lines 29 – 32), comprises in collation living body information of the user, the collating means collates the m collation living body information with the n reference living body information (column 7, lines 34 – 38).

Regarding claim 14, Uchida, Fukuzumi and Kim disclose the claimed subject matter as discussed in claim 11.

Uchida teaches wherein the reference living body information comprises a plurality of kinds of reference living body information (page 22, lines 23 – 26), and the sending means sends (page 32, lines 13 - 16) the authentication end signal to the mating party when the plurality of kinds of collation living body information wholly coincide with the plurality of kinds of reference living body information (page 23, lines 5 – 10: Examiner interprets “input fingerprint is in accord with the fingerprint feature stored” as “when all of collation results prove coincident”);

Further Fukuzumi discloses the collation living body information of the user comprises a plurality of kinds of collation living body information of the user (column 6, lines 29 – 32), the collating means collates the plurality of kinds of collation living information with a plurality of kinds of the reference living body information body (column 7, lines 34 – 38).

Regarding claim 15, Uchida, Fukuzumi and Kim disclose the claimed subject matter as discussed in claim 11.

Uchida teaches wherein the reference living body information comprises n reference living body information of a plurality of kinds (page 22, lines 23 – 26), and the sending means sends (page 32, lines 13 - 16) the authentication end signal to a mating party to the mating party when at least one of each kind of collation living body information among the plurality of kinds of collation living body information coincides

with at least one of each kind of reference living body information among the n reference living body information (see page 32, lines 13 – 16).

Further Fukuzumi discloses the collation living body information comprises in collation living body information of a plurality of kinds of a user (column 6, lines 29 – 32), the collating means collates the m collation living body information with the n reference living body information (column 7, lines 34 – 38).

Regarding claim 16, Uchida, Fukuzumi and KIM disclose the claimed subject matter as discussed in claim 11.

Fukuzumi teaches wherein the reference living body information comprises n reference living body information of a plurality of kinds, the collation living body information comprises m collation living body information of a plurality of kinds of a user (column 6, lines 29 – 32), the collating means collates the in collation living body information with the n reference living body information (column 7, lines 34 – 38), and the sending means sends the authentication end signal to a mating party (column 6, lines 43 - 46) to the mating party when all of the plurality of kinds of collation living body information coincide with all of the n reference living body information (column 6, lines 29 - 32).

Regarding claim 29 and 30, Uchida teaches wherein the reference living body information comprises at least two selected from the group consisting of a fingerprint, a palm print and a voiceprint (see page 35, lines 7 – 16).

Regarding claims 32 and 33, Uchida teaches wherein the collation living body information comprises at least two selected from the group consisting of a fingerprint, a palm print and a voiceprint (see page 35, lines 7 – 16).

Regarding claim 35, 36, 53 and 54, Uchida teaches wherein the palm print is a palm print of the whole palm or a palm print of a part of the palm (see page 35, lines 7 – 16).

Regarding claims 44 and 45, Uchida teaches a portable information terminal comprising the storing means, the reading means, the collating means, the controlling means, and the sending means is used (see page 35, lines 17 – 22).

Regarding claims 50 and 51, Uchida teaches a personal computer comprising the storing means, the reading means, the collating means, the controlling means, and the sending means is used (see pages 1 - 3).

Regarding claims 66 and 67, Uchida discloses wherein the reading means is a display part having a built-in-sensor (page 18, lines 22 – 27).

Regarding claims 70 and 71, Uchida teaches a method for distinguishing a user, said method comprising:

Storing a plurality of kinds of reference living body information of the user (see page 20, lines 13 – 17; Uchida discloses “fingerprint” as “living body”); and reading a plurality of kinds of collation living body information of the user (page 21, lines 17 - 19) so that the reference living body information is rewritten after the receiving the re-write approval signal from the mating party (page 25, lines 7 – 8 – input is interpreted as re-write)

Uchida does not explicitly collation as claimed.

Fukuzumi discloses reading collating living body information of the user a reading means for reading collating living body information of the user (column 9, lines 29 – 32: “bioelectric signal identification section” is interprets “unit 12” as “reading means”; and “output” is interpreted as “read”);

Collating the collation living body information with the stored corresponding reference living body information (column 6, lines 6 – 8); and outputting an authentication end signal from controlling means when a collation result proves coincident (see column 7, lines 35 - 39);

Further, Kim discloses sending the authentication end signal to a mating party/manager (see page 208, column 2, paragraph 3: *“The Identix Fingerprint ... image of the fingerprint” includes a sending means*);

sending password for re-write of the reference living body information as data to the mating party/manager after communication is started (see page 206, column 1,

paragraphs 1 – 2: “*The second method concerns ....verification of something known, such as password, PIN number”;*

and the reference living body information is rewritten when the password is authenticated as correct on the mating party (see page 208, column 2, paragraph 3: “*To identify, the user enters the secret PIN number and places a finger on the glass plate. . . . fingerprint image of template”.*

transmitting a re-write approval signal having information representing approval of re-write of the reference living body from the mating party to the user when the password is authenticated as correct on the mating party (see page 208, column 2, paragraph 3: “*To identify, the user enters the secret PIN number and places a finger on the glass plate. . . . fingerprint image of template”*), and

receiving the re-write approval signal from the mating party/manager (see page 208, column 2, paragraph 3: “*To identify, the user enters the secret PIN number and places a finger on the glass plate. . . . fingerprint image of template”*).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because Fukuzumi’s teaching of “collation” would have allowed Uchida’s system to provide an organism identification method that can securely identify whether or not a fingerprint image input object relates to a living body.

Further, the teaching of Kim would have allowed Uchida and Fukuzumi’s system to update/re-write biometric information in a case where the original biometrics is entered in less than perfect condition as suggested by Kim on page 209.

Regarding claim 72, Uchida teaches a method for distinguishing a user, said method comprising:

storing reference living body information of the user (see page 20, lines 13 – 17; Uchida discloses “fingerprint” as “living body”); and  
outputting an authentication end signal from controlling means (page 36, lines 7 – 9 and lines 18 – 20).

Uchida does not explicitly collation as claimed.

Fukuzumi discloses reading collating living body information of the user (column 9, lines 29 – 32: “output” is interpreted as “read”);  
collating the collation living body information with the stored reference living body information (column 6, lines 6 – 8).

Further KIM discloses sending the authentication end signal to a manager (see page 208, column 2, paragraph 3: *“The Identix Fingerprint ... image of the fingerprint includes a sending means”*);

Sending the authentication end signal received by the manager to a mating party (see page 206, column 2, paragraph 2: *“Biometric systems look at both physiological and behavioural characteristics of a living person. A physiological characteristic is a relatively stable physical feature such as a fingerprint, hand structure, retina vascular pattern, iris pattern or some facial feature - all of which are basically unchangeable and vary little in time”*); and

wherein a communication between the user and the mating party is started directly through the manager after the mating party receives the authentication end

signal party (see page 208, column 2, paragraph 3: “*To identify, the user enters the secret PIN number and places a finger on the glass plate. . . . fingerprint image of template*”).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because Fukuzumi’s teaching of “collation” would have allowed Uchida’s system to provide an organism identification method that can securely identify whether or not a fingerprint image input object relates to a living body.

Further, the teaching of Kim would have allowed Uchida and Fukuzumi’s system to update/re-write biometric information in a case where the original biometrics is entered in less than perfect condition as suggested by Kim on page 209.

Regarding claim 73, Uchida teaches wherein a communication between the user and a mating party is started directly through the manager after the mating party receives the authentication end signal (page 4, lines 19 - 20).

Regarding claims 74, Uchida discloses wherein the manager sends the authentication end signal to the mating party after the manager receives the authentication end signal (page 4, lines 27 – 52).

Regarding claim 75, Uchida discloses wherein the manager sends the authentication end signal to the mating party after the manager receives the authentication end signal (page 4, lines 27 – 52), and

wherein a communication between the user and a mating party is directly after the mating party receives the authentication end signal (page 4, lines 19 - 20).

Regarding claims 76, 77 and 78, Uchida discloses wherein a transaction is conducted between the user and the mating party (page 4, lines 18 – 20), and

Wherein an identification of the user is requested only when a condition set to the mating party is satisfied (page 34, line 25 – page 35, line 5).

Regarding claims 79, 80 and 81, Uchida, Fukuzumi and Kim disclose the claimed subject matter as discussed in claim 70, 71 and 72 respectively.

Uchida teaches wherein the reference living body information comprises at least one selected from the group consisting of a fingerprint, a palm print and a voiceprint (see page 35, lines 7 – 16), and

wherein the collation living body information comprises at least one selected from the group consisting of a fingerprint, a palm print and a voiceprint (see page 35, lines 7 – 16).

7. Claims 38, 39, 41, 42, 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida in view of Fukuzumi as discussed in independent claims 1, 7, 11, 17 and further in view of Kim and USPN 6,219,793 issued to Yang Li et al (hereinafter “Li”).

Regarding claims 38 and 39, Uchida, Fukuzumi and Kim disclose the claimed subject matter as discussed in 11 and 17 respectively. Uchida, Fukuzumi or KIM does not explicitly teach a flash memory.

Li teaches the storing means is a flash memory (column 12, lines 20 – 27).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because Li's teaching of "storing means is a flash memory" would have allowed Uchida, Fukuzumi and KIM's system to involve the use of fingerprint matching to authenticate a call or other communication over a wireless communication network as suggested by Li at column 3, lines 10 - 12.

Regarding claims 41 and 42, Li teaches the reading means is a photodiode or a charge coupled device (see column 4, lines 50 – 65).

Regarding claims 47 and 48, Li teaches a cellular telephone comprising storing means, the reading means, collating means, the controlling means, and the sending means is used (see column 4, lines 33 – 49).

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED I. EHICHOYA whose telephone number is (571)272-4034. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pierre M. Vital can be reached on 571-272-4215. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fred I. Ehichoya/  
Examiner, Art Unit 2169

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